



Federal Communications Commission  
Washington, D.C. 20554

**DA 07-3534**  
**Released: August 7, 2007**

Mr. William Sommers  
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Re: Application for Renewal of License  
WRAZ(TV), Raleigh, North Carolina  
File No. BRCT-20040730AET  
Facility ID No. 64611

Gentlemen:

On November 1, 2004, Mr. William Sommers filed an Informal Objection requesting that the Commission condition grant of the renewal application of WRAZ, Inc. ("WRAZ"), licensee of station WRAZ(TV), Raleigh, North Carolina. For the reasons set forth below, we deny the Informal Objection.

Section 309(k)(1) of the Communications Act of 1934, as amended (the "Act"), states that the Commission shall grant a license renewal application if it finds, with respect to that station, that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations which, taken together, would constitute a pattern of abuse.<sup>1</sup> The Commission analyzes any public interest allegation according to a two-step process. The petition must first contain specific allegations of fact sufficient to show that such a grant would be *prima facie* inconsistent with the public interest.<sup>2</sup> If so, the Commission will designate the application for hearing if the allegations, together with any opposing evidence before the Commission, raise a substantial and material question of fact as to whether grant would serve the public interest, or if the Commission is otherwise unable to conclude that granting the application would serve the public interest.<sup>3</sup>

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<sup>1</sup> 47 U.S.C. §309(k)(1).

<sup>2</sup> 47 U.S.C. §309(d)(1); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) ("Astroline").

<sup>3</sup> *Astroline*, 857 F.2d at 1561; 47 U.S.C. §309(e).

Mr. Sommers states that because WRAZ(TV) is a Fox affiliate, and has broadcast or may broadcast Fox News Network programming, it subscribes to the advertising slogan “fair and balanced.” Mr. Sommers further argues that the Fox News Network’s presentation of news, commentary, and other programming is not “fair and balanced,” and that use of this slogan is deceptive, false and misleading. By letter dated January 30, 2006, WRAZ states that “[t]he station does not broadcast Fox News Network programming, except for very limited occasions, such as presidential addresses,” and does not use the phrase “Fair and Balanced” “to brand the news which it produces.”<sup>4</sup>

Under the plain terms of section 309(k), the relevant findings must be made with respect to the station whose license renewal application is pending.<sup>5</sup> All the allegations at issue pertain to the general bias and partisanship of Fox news programming. Mr. Sommers does not cite specific programming aired by station WRAZ(TV) with regard to which the slogan’s use was allegedly deceptive, false and misleading. Because the allegations do not pertain to station WRAZ(TV), we conclude that the informal objection is insufficient to make out a *prima facie* case.

Accordingly, the Informal Objection **IS DENIED**.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> Letter from Marvin Rosenberg, Esq., to Barbara A. Kreisman, Chief, Video Division, dated January 30, 2006.

<sup>5</sup> 47 U.S.C. §309(k)(1); *See Sagittarius Broadcasting Corp.*, 18 FCC Rcd 22551, 22555 (2003) (upholding staff decision to limit review of a license renewal application to potential rule violations at the station in question because “Congress...has expressly limited the scope of the license renewal inquiry to matters at the particular station for which license renewal is sought.”)